



**FORMS FOR OBTAINING A DECLARATION OF DEATH FOR A PERSON MISSING IN CONNECTION
WITH THE TERRORIST ATTACKS ON SEPTEMBER 11, 2001.
(SUPERIOR COURT OF NEW JERSEY, CHANCERY DIVISION, PROBATE PART)**

DESCRIPTION OF ACTION

The attached form, called a *Verified Complaint*, will allow you to do three things:

1. Obtain a Declaration of Death for an individual presumed dead because of the events of September 11, 2001, where a death certificate has not been issued;
2. Have the individual's Last Will and Testament probated and an executor or executrix appointed, or, if the individual did not have a Last Will and Testament, have a general administrator appointed;
3. Have the Court appoint a trustee for a missing person's estate to permit immediate access to certain of the decedent's assets needed for the care and maintenance of his/her dependents while the court considers your case.

You can obtain the above described relief in the Superior Court of New Jersey, Chancery Division, Probate Part in the county where the individual resided. All papers are filed with the county Surrogate. **In these extraordinary circumstances, Surrogates and their staffs have been requested to assist you in filling out these forms or to refer you to someone who can help you.**

NOTE: THE NEW JERSEY ADMINISTRATIVE OFFICE OF THE COURTS HAS PREPARED THESE MATERIALS FOR USE BY SELF-REPRESENTED LITIGANTS. THE GUIDES, INSTRUCTIONS, AND FORMS WILL BE PERIODICALLY UPDATED AS NECESSARY TO REFLECT CURRENT NEW JERSEY STATUTES AND COURT RULES. THE MOST RECENT VERSION OF THE FORMS WILL BE AVAILABLE AT THE COUNTY COURTHOUSE OR ON THE JUDICIARY'S INTERNET SITE (WWW.JUDICIARY.STATE.NJ.US). HOWEVER, YOU ARE ULTIMATELY RESPONSIBLE FOR THE CONTENT OF YOUR COURT PAPERS.

Send your completed forms to:

VERIFIED COMPLAINT FOR A DECLARATION OF DEATH, ESTATE
ADMINISTRATION, AND TRUSTEE APPOINTMENT

Plaintiff *(Person filing the Complaint)*

Address:

Telephone Number: _____

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION _____
COUNTY
PROBATE PART

IN THE MATTER OF

_____,
Print or type name of Decedent (the person who died)

DECEASED

Docket No.

(To be filled in by the court)

CIVIL ACTION

VERIFIED COMPLAINT FOR A
DECLARATION OF DEATH, ESTATE
ADMINISTRATION AND TRUSTEE
APPOINTMENT

Plaintiff, _____ residing at _____,
City/Township/ Borough of _____, _____ County, New Jersey, by way
of verified complaint says:

COUNT I (Declaration of Death)

1. On September 11, 2001, _____ (decedent) departed this life in the
New York City World Trade Center [Pentagon][Airplane] terrorist attack.
2. The plaintiff is related to the decedent and is the decedent's _____.
3. The decedent was born on _____ in _____.

4. The decedent's heirs-at-law are: (spouse, children, and -- possibly -- grandchildren, parents, grandparents, brothers, sisters, aunts, uncles, nieces, nephews or first cousins. The Surrogate may be able to provide information as to whom to list.)

Name

Relationship

Age (Adult/Minor)

These are the decedent's only heirs-at-law.

5. On September 11, 2001, the decedent resided at _____,
_____ County, New Jersey.

6. On September 11, 2001, the decedent was employed by
_____, whose offices were located at
_____ (specify address). His/her occupation was that of
_____. Attached is documentation of the decedent's employment (paycheck,
etc.).

7. Describe whatever you know about the decedent's activities on September 11, 2001, including facts showing that he or she was at or near the World Trade Center [on an affected airplane] [at or near the Pentagon]:

8. Recount the effort to locate the decedent after the decedent failed to communicate or return home after the September 11, 2001 events:

9. **[Cross out one]**

So far as the plaintiff has been able to ascertain, the decedent left no Last Will and Testament.

OR

The decedent left a Last Will and Testament dated _____. The names and address of the devisees (beneficiaries) named therein, in addition to any heirs-at-law listed in paragraph 4, are:

<u>Name</u>	<u>Address</u>	<u>Beneficiary Interest</u> <i>(What is left to him/her.)</i>
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10. **[If applicable]** The decedent is record owner of real property commonly known as _____, New Jersey. No person other than the heirs-at-law identified in paragraph 4 has, or would have, any interest in any real or personal estate by reason of the death of the decedent, and no other person is entitled to any interest which expires or is contingent upon the decedent's death.

11. The plaintiff believes and understands that there is life, credit life or other insurance policy upon the life of the decedent with the following insurance companies:

<u>Insurance Company</u>	<u>Address</u>	<u>Policy Number</u>	<u>Face Amount</u>	<u>Beneficiary</u>
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12. The plaintiff has made a diligent inquiry with the decedent's relatives about the decedent's whereabouts. The decedent's living siblings, parents and other relatives have not seen nor heard from the decedent since September 11, 2001. The effort to locate the decedent has been unsuccessful and no satisfactory explanation, except that the decedent died in the World Trade Center [Pentagon] conflagration and building collapse [or airplane crash] on September 11, 2001, is known to the plaintiff.

WHEREFORE, the plaintiff demands judgment declaring that:

a. The said _____ was exposed to the World Trade Center [Pentagon][Airplane] terrorist attack of September 11, 2001 that resulted in loss of life to many persons known and unknown and his/her absence following the catastrophic conflagration and collapse of the World Trade Center [Pentagon] [airplane crash] is unexplained after a diligent search and inquiry and therefore the said _____ be declared to be dead and that he/she died on September 11, 2001.

b. for such other relief as the Court may deem just and equitable.

COUNT II (Estate Administration)

The plaintiff repeats paragraphs one through twelve of Count I as if set forth at length herein.

13. The decedent departed this life [**check one**] **9**testate (with a will)

9intestate (without a will)

IF TESTATE (that is, if decedent left a will):

Alternate 14a: The decedent left a Last Will and Testament dated _____ that is being submitted for probate with this Complaint. Attached and made a part hereof is the decedent's original Last Will and Testament. The decedent's Last Will and Testament is self proving and may be admitted to probate without further affidavit, deposition or witness proofs. Named as the executor or executrix in the decedent's Last Will and Testament is _____.

OR IF INTESTATE (that is, if decedent left no will):

Alternate 14b: The plaintiff is first entitled to Letters of Administration.

OR

Alternate 14c: All competent adult persons entitled to letters of administration for the estate of the decedent, whose rights are prior or equal to the plaintiff have renounced or will be given notice of this application.

WHEREFORE, the plaintiff demands judgment that:

- a. the court admit the decedent's last will and testament to probate;
- b. Letters Testamentary be issued to _____;
- c. such other relief as the court may deem just and equitable.

OR

- a. the court grant Letters of Administration for the estate of the decedent to _____;
- b. such other relief as the court may deem just and equitable.

COUNT III

The plaintiff repeats paragraphs one through twelve of Count I and paragraphs thirteen and fourteen of Count II as if set forth at length herein.

15. The property of the decedent is necessary for the care, shelter and support of the decedent's family and dependents or is subject to waste or dissipation pending the declaration of death and appointment of a personal representative herein demanded.

16. The provisions of *N.J.S.A. 3B:26-1* to *-4* authorize the appointment of a trustee for an absent person's estate.

17. It is requested that the trustee's powers be limited to certain property and further that the use of the property be limited to providing for the support, shelter and care for the missing person's family and the protection of the missing person's real property pending the declaration of death and appointment of a personal representative action herein maintained and therefore bond be waived.

18. The plaintiff requests that the trustee be given authority over the following of the decedent's property:

Bank/Institution

Account No.

Account Owner(s)

WHEREFORE, the plaintiff demands judgment that:

a. a trustee be appointed to manage the estate of the missing decedent pending an adjudication of death.

b. for such other relief as the Court may deem just and equitable.

Date: _____

SIGNATURE OF PLAINTIFF

TYPE OR PRINT NAME

VERIFICATION

I, _____, hereby certify and say:

1. I am the plaintiff in the within action.
2. I have read the complaint and its contents are true to my personal knowledge.
3. The value of the decedent's personal estate will not exceed \$_____ and
the real estate value will not exceed \$_____.

I hereby certify that the statements made by me are true. I am aware that if any are wilfully false I am subject to punishment.

Date:

SIGNATURE OF PLAINTIFF

TYPE OR PRINT NAME